

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:23CR26
	)	
vs.	)	
	)	
	)	ORDER
JUSTIN WAYNE BURNEY,	)	
	)	
	)	
Defendant.	)	

This matter is before the court on defendant's Unopposed Motion to Continue Trial [51]. While the motion references the parties' efforts toward a resolution of this matter short of trial, during the status conference held before the undersigned magistrate judge on April 30, 2024, the government stated it was unwilling to forego a statutory sentencing enhancement and the matter was scheduled for trial. Defendant's counsel stated that the matter will proceed to trial (perhaps preceded by a motion for a Rule 17.1 conference) or a request for change of plea hearing will be made. Under these circumstances, the court finds good cause for a continuance to allow defendant to decide how he wishes to proceed. Accordingly,

**IT IS ORDERED** that the Unopposed Motion to Continue Trial [51] is granted, as follows:

1. The jury trial now set for May 14, 2024, is continued to **July 16, 2024**.
2. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and July 16, 2024**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(6), (7)(A) & (B)(iv).
3. **No further continuances will be granted without requesting a hearing before the undersigned magistrate judge.**

**DATED: May 3, 2024.**

**BY THE COURT:**

**s/ Michael D. Nelson**  
**United States Magistrate Judge**